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Supreme Court of the United States

OCTOBER TERM, 1960

No. 100

TWENTIETH CENTURY-FOX FILM CORPORATION,

Petitioner,

—against—

PAUL C. TEAS, ET AL.,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT AND APPENDICES

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May 18, 1961

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1. In deciding that the respondents' claimed interest in the proceeds from California oil and gas production was not an interest in real property, the Court of Appeals decided an important question of California law in a way in conflict with applicable California decisions	10

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2. The respondents' claimed interests under applicable California law are interests in real property. Therefore:

(a) Fox Realty, as owner of the real property and lessor, was an indispensable party 14

(b) The Texas District Court lacked jurisdiction to try a local action involving interests in California real property 16

3. By affirming the District Court's denial of petitioner's motion to transfer the action to the Southern District of California, the Court of Appeals sanctioned a radical departure from accepted standards of judicial procedure, the effect of which is to nullify 28 United States Code, Section 1404(a). The failure to transfer the action constituted an abuse of discretion so marked as to warrant the exercise by this Court of its power of supervision 17

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IN THE

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No.

TWENTIETH CENTURY-FOX FILM CORPORATION,
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PAUL C. TEAS, *et al.*,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Petitioner, Twentieth Century-Fox Film Corporation, respectfully prays that a writ of certiorari issue to the United States Court of Appeals for the Fifth Circuit to review that portion of a judgment affirming the judgment of the United States District Court for the Northern District of Texas in favor of respondents. That portion of the judgment of the Court of Appeals reversing a portion of the judgment of the District Court is not herein sought to be reviewed.

OPINIONS BELOW

1. The opinion of the Court of Appeals is reported in 286 F. 2d 373. The opinion is annexed hereto in Appendix A to this petition.